ladies, the stockman in the warehouse, and other supervisors as defined in the Act, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

[The Board dismissed the petition in Case No. 5–RC–1513.]

[Text of Direction of Election omitted from publication.]

ALBERS SUPER MARKETS, INC. *and* RETAIL CLERKS INTERNATIONAL ASSOCIATION, A. F. OF L., PETITIONER. *Case No. 9–RC–2197. October 25, 1954*

Order Amending Decision and Direction of Election

On September 24, 1954, the Board issued its Decision and Direction of Election in the above-entitled proceeding, in which it found that the following employees constitute an appropriate unit:

> All grocery employees employed at the Employer's retail stores in Montgomery County, Ohio, including part-time clerks, but excluding all meat department employees, guards, professional employees, store managers, assistant store managers, perishable food managers, and all other supervisors as defined in the Act.

On October 4, 1954, the Employer filed with the Board a motion for reconsideration, urging that the part-time clerks be excluded from the unit, or, in the alternative, that those part-time clerks who have worked for the Employer less than 18 weeks be held ineligible to vote in the election. The Board having duly considered the motion, the evidence as to the duties and tenure of employment of the part-time clerks, and the entire record in the case, decided to grant the Employer's motion in part for the reasons given below.[1]

At the 8 stores involved, the Employer has approximately 125 full-time grocery clerks and 173 part-time grocery clerks. The latter work only during peak sales periods. Their principal duties are putting merchandise into bags and carrying the bags to customers' cars. Lists of the part-time employees are kept at the various stores, and they are scheduled to work as needed; schedules of work are posted each week for the ensuing week. There is a high turnover among these employees, and the record of the 204 terminations between January 1, 1953, and April 24, 1954, shows that the average length of service was only 4½ months and that 75 percent worked less than that length of time.

Upon these facts, we are of the opinion that the part-time clerks who have worked less than 18 weeks for the Employer are not regular part-

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[1] As the record and briefs, in our opinion, adequately set forth the facts and the positions of the parties, the request of the Employer for a further hearing and oral argument is hereby denied.

time employees as that term is used by the Board. We shall therefore amend our Decision and Direction of Election to exclude them from the unit.

Order

IT IS HEREBY ORDERED that the Decision and Direction of Election herein be amended by striking footnote 1, and by amending the description of the appropriate unit to read as follows:

> All grocery employees employed at the Employer's retail stores in Montgomery County, Ohio, including part-time clerks who have worked during at least 18 separate weeks preceding the Decision and Direction of Election, but excluding part-time clerks who have worked for the Employer less than 18 weeks, meat department employees, guards, professional employees, store managers, assistant store managers, perishable food managers, and all other supervisors as defined in the Act.

MEMBERS RODGERS and BEESON took no part in the consideration of the above Order Amending Decision and Direction of Election.

WESTINGHOUSE ELECTRIC CORPORATION [1] *and* INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, CIO, PETITIONER.[2]
Cases Nos. 4–RC–2391 and 4–RC–2449. October 25, 1954

Decision and Direction of Election

Upon consolidated petitions duly filed under Section 9 (c) of the National Labor Relations Act,[3] a hearing was held before Eugene M. Levine, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.[4]

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.

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[1] The name of the Employer appears as amended at the hearing.

[2] Herein referred to as I. U. E.

[3] At the hearing, over the Employer's objection, the hearing officer correctly permitted the I. U. E. to amend its unit request.

Section 4 (b) of the petition (4–RC–2391) was amended at the hearing to read "lamps" in lieu of "electronics."

[4] Prior to, and throughout the hearing, it appeared that the parties might agree to a consent election, but due to the fact that they were unable to resolve their differences as to the appropriate unit and the time for holding such an election, no agreement was forthcoming. Based upon an alleged attempt by the Petitioner to stall a consent election by shifting its unit request at the hearing (as noted hereinafter), and refusing to agree to an election date, the Intervenor moved to dismiss the proceeding on the ground that the Petitioner filed its petition in bad faith, and, thus, abused the Board's processes. However, as the record shows that the negotiations for a consent election failed, at least in part, because of the inability of the parties to agree on the composition of the unit, we are not satisfied that the Petitioner has shown bad faith. Accordingly, the Intervenor's motion is hereby denied.